



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/675,843

09/30/2003

Jeyhan Karaoguz

14823US02

6899

23446 7590 11/15/2007
MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

EXAMINER

MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
----------	--------------

2144

MAIL DATE	DELIVERY MODE
-----------	---------------

11/15/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,843

Applicant(s)

KARAOGUZ ET AL.

Examiner

Joseph R. Maniwang

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 September 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

2. The drawings are objected to because the reference element numbers do not match the description in the Specification. For example, compare Fig. 1 and paragraphs [46] and [47]. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

Art Unit: 2144

corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Fritsch (U.S. Pat. App. Pub. 2002/0124258).
4. Regarding claims 1, 12, 23, and 34, Fritsch disclosed a method and system comprising automatically transferring at least one of media, data and service to a view of at least one of a first media processing system and a first personal computer within the distributed media network ("media delivery center receives media-rich broadcasts", see paragraph [0028], [0031], [0033]); and automatically routing said automatically transferred at least one of media, data and service from said view of said at least one of said first media processing system and said first personal computer to a view of at least one of a second media processing system and a second personal computer ("media programs are delivered to output devices by a media delivery system", see paragraph [0028], [0031], [0033]), wherein said first and second views comprise one or more of the following: a device view, a media view, and a channel view ("a particular channel", see paragraph [0033]).
5. Regarding claims 2, 13, and 24, Fritsch disclosed the method and system comprising consuming said routed at least one of media, data and service by said at least one of said second media processing system and said second personal computer (see paragraph [0039]).

Art Unit: 2144

6. Regarding claims 3, 14, and 25, Fritsch disclosed the method and system comprising controlling said consumption by said at least one of said second media processing system and said second personal computer by utilizing at least a first rule (see paragraph [0032], [0040]).
7. Regarding claims 4, 15, and 26, Fritsch disclosed the method and system comprising scheduling said consumption of said at least one of said media, data and service by said at least one of said second media processing system and said second personal computer utilizing said at least a first rule (see paragraph [0032], [0040]).
8. Regarding claims 5, 16, and 27, Fritsch disclosed the method and system wherein said at least a first rule is a consumption rule (see paragraph [0032], [0040]).
9. Regarding claims 6, 17, and 28, Fritsch disclosed the method and system comprising controlling said automatic transfer by utilizing at least a second rule (see paragraph [0033], [0037]).
10. Regarding claims 7, 18, and 29, Fritsch disclosed the method and system comprising pre-defining said at least one second rule (see paragraph [0033], [0037]).
11. Regarding claims 8, 19, and 30, Fritsch disclosed the method and system wherein said at least a second rule is a transfer rule (see paragraph [0033], [0037]).
12. Regarding claims 9, 20, and 31, Fritsch disclosed the method and system comprising controlling said automatic routing utilizing at least a third rule (see paragraph [0033], [0037]).
13. Regarding claims 10, 21, and 32, Fritsch disclosed the method and system comprising predefining said at least a third rule (see paragraph [0033], [0037]).

14. Regarding claims 11, 22, and 33, Fritsch disclosed the method and system wherein said at least a third rule is a routing rule (see paragraph [0033], [0037]).

Response to Arguments

15. Applicant's arguments filed 09/14/07 have been fully considered but they are not persuasive.

16. Regarding the Drawings, Applicant asserts that the reference elements of Fig. 1 correspond correctly to the description in the Specification. However, Examiner notes that this does not appear to be the case. For example, paragraph [46] recites "media peripheral 109", when Fig. 1, element 109 depicts a "Broadband Access Headend"; paragraph [46] recites "media processing system 101", when Fig. 1, element 101 depicts a "PC" and a media process system is shown as element 102; paragraph [46] recites "media peripheral 103", when Fig. 1, element 103 depicts a "MP"; paragraph [47] recites "media provider 105", when Fig. 1, element 105 depicts a "PC"; paragraph [47] recites "first location or user's home 102", when Fig. 1, element 102 depicts a "MPS" and "Location 1" is shown as element 104. Numerous others of such references occur throughout the Specification, and are not consistent with the labels contained in the drawings. As such, the Drawings are objected to accordingly. Additionally, it is noted that while the drawings filed in replacement of Fig. 3-11 are accepted, it is further noted that the original drawings filed 09/30/03 were not and are still not found to contain "hand-written numbering" as submitted by Applicant as reason for filing the replacement drawings.

Art Unit: 2144

17. Regarding claims 1-34 rejected under 35 U.S.C. 102(e) as being anticipated by Fritsch (U.S. Pat. App. Pub. 2002/0124258), Applicant asserts that the reference does not teach “automatically routing said automatically transferred at least one of media, data and service from said first view of said at least one of said first media processing system and said first personal computer to a second view of at least one of a second media processing system and a second personal computer, wherein said first and second views comprise one or more of the following: a device view, a media view, and a channel view” as claimed.

18. Applicant first argues that Fritsch does not disclose that information is communicated “in a device view, in a media view, and/or a channel view”. However, Examiner submits that Fritsch does disclose such a feature. It is first noted that the argued “views” are broadly recited in the claims, requiring no particular characteristic defining what differentiates the types of views from each other, or even what a “view” is. As such, it is reasonable in the context of the claim language to interpret the claimed “view” as nothing more than a type of output for the media processing system/personal computers (“a...view of...a...media processing system and a...personal computer”, claim 1), associated in some way with an output device of the system. Fritsch clearly discloses such an output, further suggesting the use of many types of outputs as well (“Although only two output devices 214 and 216 are show in FIG. 2, the media delivery center 202 can support many output devices. The output devices are, for example, display screens. Such display screens can, for example, be associated with computers, televisions, portable devices, or set-top boxes”, see paragraph [0032]). Additionally, the

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

disclosure of Fritsch reads on the newly amended limitation as claimed, disclosing the transfer of media data to "a particular channel", i.e., "a channel view" (see paragraph [0033]), as well as the claimed "device" and "media view", by virtue of being directed to viewing media on a device.

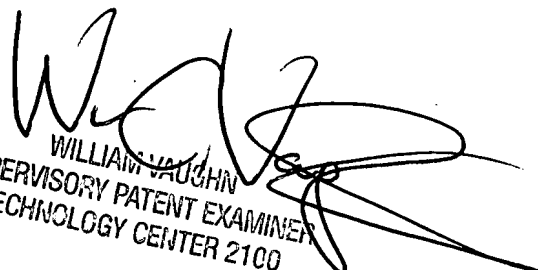
19. Applicant further argues that Fritsch does not disclose that media, data and/or services are automatically routed from a first media processing system using a first view, to a second media processing system using a second view. However, Applicant's remarks provide no substantial reasoning supporting such an assertion. It is submitted that Fritsch does disclose such a feature, as the prior art system is clearly directed to transferring media data from a first system to a second system as claimed ("The media delivery center 300 receives media program content...The multicast stream carries the resulting packets to a plurality of the subscribers", see paragraph [0033]). Additionally, consideration of the particulars of such transfer (e.g., whether such transfer is automatic or not) is not given much weight, since the claim language does not recite specific limitation as to what an automatic routing requires, and since such a provision does not distinguish over the prior art ("The court held that broadly providing an automatic or mechanical means to replace a manual activity which accomplished the same result is not sufficient to distinguish over the prior art", see MPEP 2144.04).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM


WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100